

399456/17862

**IN UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

DANIEL MALDONADO,)	
)	
Plaintiff,)	C.A. No. 07-63-SLR
)	
v.)	
)	
FIRST CORRECTIONAL MEDICAL,)	JURY OF 12 DEMANDED
INC., CORRECTIONAL MEDICAL)	
SERVICES, DR. JOSE A. ARAMBURO,)	
JR., M.D., DR. SITTA GOMBEH-ALI,)	
M.D., COMMISSIONER STANLEY)	
TAYLOR, JOYCE TALLEY, BUREAU)	
CHIEF,)	
)	
Defendants.)	

NOTICE OF MOTION

Jeffrey K. Bartels, Esquire.
401 South Maryland Avenue
Wilmington, DE 19804

Kenneth W. Richmond, Esq.
2019 Walnut Street
Philadelphia, PA 19103

Marc Niedzielski, Esquire
Department of Justice
Carvel State Office Building
820 N. French St.
Wilmington, DE 19801

James E. Drnec, Esquire
711 King Street
Wilmington, DE 19801

399456/17862

VIA CERTIFIED MAIL#7005 2570 0002 2354 4413

RETURN RECEIPT REQUESTED

Dr. Tammy Kastre
First Correctional Medical
1671 West Bird of Paradise Drive
Oro Valley, AZ 85737-7243

VIA CERTIFIED MAIL 7005 2570 0002 2354 4420

RETURN RECEIPT REQUESTED

Jose A. Aramburo, Jr., M.D.
13427 Worthington Road
Philadelphia, PA 19116

PLEASE TAKE NOTICE that the attached Motion will be presented to the Court
at the convenience of the Court.

Heckler & Frabizzio, P.A.

/s/Daniel L. McKenty
Daniel L. McKenty, *DE Bar No.*
2689
800 Delaware Avenue, Suite 200
PO BOX 128
Wilmington, DE 19899
Attorney for Defendant

399456/17862

**IN UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

DANIEL MALDONADO,)	
)	
Plaintiff,)	C.A. No. 07-63-SLR
)	
v.)	
)	
FIRST CORRECTIONAL MEDICAL,)	JURY OF 12 DEMANDED
INC., CORRECTIONAL MEDICAL)	
SERVICES, DR. JOSE A. ARAMBURO,)	
JR., M.D., DR. SITTA GOMBEH-ALI,)	
M.D., COMMISSIONER STANLEY)	
TAYLOR, JOYCE TALLEY, BUREAU)	
CHIEF,)	
)	
Defendants.)	

MOTION TO ENLARGE TIME

1. The below counsel has filed a Motion to Withdraw for Dr. Jose Aramburo, Jr., M.D. (D.I. 21) and the Court issued an Order on April 4, 2008 allowing counsel to withdraw for First Correctional Medical, LLC.
2. Attorney Marc P. Niedzielski, Deputy Attorney General, wrote to the Court on June 10, 2008 to point out that the Court's Order allowed the undersigned counsel to withdraw as counsel for First Correctional Medical, LLC which is not a party to the suit. Attorney Niedzielski also pointed out that the Certificate of Service did not include a service to Dr. Aramburo.
3. The undersigned counsel mailed the Order (D.I. 22) to First Correctional Medical, which was received on April 17, 2008, signed by Debra C. Campbell. See return receipt attached Exhibit "A".

399456/17862

4. Defendant's counsel is mailing a copy of this Motion, the Order dated April 4, 2008, (D.I. 22), the Motion to Withdraw (D.I. 21), to Dr. Jose A. Aramburo, Jr., M.D., 13427 Worthington Road, Philadelphia, PA 19116.

5. The return of service dated April 9, 2007 indicates Dr. Aramburo was served at the above address (13427 Worthington Road, Philadelphia, PA 19116) by leaving copies of the Complaint and Summons at Dr. Aramburo's dwelling house or usual place of abode with the sister of the defendant.

6. Dr. Aramburo's Answer to the Complaint raises as an Affirmative Defense insufficient process and/or insufficient service of process and that defense has not been waived.

7. Under the circumstances, the undersigned counsel requests that the Court allow Dr. Aramburo to appear personally or to retain counsel in sixty (60) days from the date of the Order to Enlarge Time.

WHEREFORE, the undersigned counsel requests the Court enlarge the time for Dr. Aramburo to appear personally or to retain counsel of sixty (60) days from the date of the granting of the Motion.

Heckler & Frabizzio, P.A.

/s/Daniel L. McKenty

Daniel L. McKenty,

DE Bar No. 2689

800 Delaware Avenue, Suite 200

PO BOX 128

Wilmington, DE 19899

Attorney for Defendant, Dr. Jose A. Aramburo, Jr.

EXHIBIT

“A”

UNITED STATES POSTAL SERVICE


 First-Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10

* Sender: Please print your name, address, and ZIP+4 in this box *

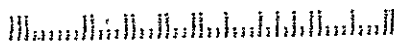
 APR 22 2008
 H&F

RECEIVED

 HECKLER & FRABIZZIO
 800 Delaware Avenue
 The Corporate Plaza
 Suite 200
 Wilmington, DE 19801

Fem CASES

RGR



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

 DR. TAMMY KASTKE
 FIRST CORRECTIONAL MEDICAL
 805 W. GIACONDA WAY
 Ste 115
 TUCSON, AZ 85704

COMPLETE THIS SECTION ON DELIVERY

A. Signature

 Debra C Campbell ☒ Agent ☐ Addressee

B. Received by (Printed Name)

Debra C Campbell

C. Date of Delivery

4-17-08

- D. Is delivery address different from item 1? ☐ Yes ☐ No
- If YES, enter delivery address below:

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

 2. Article Number
 (Transfer from service label)

7007 2680 0003 3009 2511

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

399456/17862

IN UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

DANIEL MALDONADO,)	
)	
Plaintiff,)	C.A. No. 07-63-***
)	
v.)	
)	
FIRST CORRECTIONAL MEDICAL,)	JURY OF 12 DEMANDED
INC., CORRECTIONAL MEDICAL)	
SERVICES, DR. JOSE A. ARAMBURO,)	
JR., M.D., DR. SITTA GOMBEH-ALI,)	
M.D., COMMISSIONER STANLEY)	
TAYLOR, JOYCE TALLEY, BUREAU)	
CHIEF,)	
)	
Defendants.)	

ORDER

And now this _____ day of _____, 2008, having considered *Heckler & Frabizzio, P.A., Daniel L. McKenty, Esquires Motion to Enlarge Time* and any opposition thereto,

It is HEREBY ORDERED that *Heckler & Frabizzio, P.A., Daniel L. McKenty, Esquire's Motion to Enlarge Time* is granted and that Dr. Aramburo will have sixty days from the date of this Order to appear personally or to retain counsel.

J.

399456/17862

**IN UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

DANIEL MALDONADO,)	
)	
Plaintiff,)	C.A. No. 07-63-***
)	
v.)	
)	
FIRST CORRECTIONAL MEDICAL,)	JURY OF 12 DEMANDED
INC., CORRECTIONAL MEDICAL)	
SERVICES, DR. JOSE A. ARAMBURO,)	
JR., M.D., DR. SITTA GOMBEH-ALI,)	
M.D., COMMISSIONER STANLEY)	
TAYLOR, JOYCE TALLEY, BUREAU)	
CHIEF,)	
)	
Defendants.)	

CERTIFICATE OF SERVICE

I certify that, on the 16th of June 2008, a copy of this Motion to Enlarge Time was served upon the following individuals electronically:

Jeffrey K. Bartels, Esquire.
401 South Maryland Avenue
Wilmington, DE 19804

Kenneth W. Richmond, Esq.
2019 Walnut Street
Philadelphia, PA 19103

Marc Niedzielski, Esquire
Department of Justice
Carvel State Office Building
820 N. French St.
Wilmington, DE 19801

James E. Drnec, Esquire
711 King Street
Wilmington, DE 19801

399456/17862

VIA CERTIFIED MAIL#7005 2570 0002 2354 4413

RETURN RECEIPT REQUESTED

Dr. Tammy Kastre
First Correctional Medical
1671 West Bird of Paradise Drive
Oro Valley, AZ 85737-7243

VIA CERTIFIED MAIL 7005 2570 0002 2354 4420

RETURN RECEIPT REQUESTED

Jose A. Aramburo, Jr., M.D.
13427 Worthington Road
Philadelphia, PA 19116

Heckler & Frabizzio, P.A.

/s/Daniel L. McKenty

Daniel L. McKenty, *DE Bar No. 2689*
800 Delaware Avenue, Suite 200
PO BOX 128
Wilmington, DE 19899
Attorney for Defendant, Dr. Jose A. Aramburo, Jr.